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EXAMINER

VYAS, ABHISHEK

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/619,022	Applicant(s) KATZ ET AL.	
	Examiner ABHISHEK VYAS	Art Unit 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. This action is in reply to the amendments and remarks filed on 04/26/2010.
2. Claims 1-14 and 23 have been amended.
3. Claim 15 has been cancelled.
4. Claims 1-23 are currently pending and have been examined.
5. Claims 1-23 are rejected.
6. This is a FINAL rejection.

Response to Arguments

7. Applicant's arguments regarding the 35 USC 103 rejections have been fully considered but they are not persuasive.
8. Applicant's arguments regarding the 35 USC 101 rejection has been fully considered and they are persuasive. The rejection in the previous office action is withdrawn.
9. A numeric threshold is taught by Davies in paragraphs 11, 34, 40, 48, 63 and 76. Lawrence 087 also discloses a numerical threshold in paragraphs 33, 82 to filter out transactions or events that are not subject to extra scrutiny. Davies teaches report generation in paragraphs 45, 47-48. In response to applicant's argument to the 35 USC 103 rejections that Lawrence (7,181,428) is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, although Lawrence '428 may address the question of how to discover political risk from a host of potential events and activities, it still discloses functional limitations identically identifying monetary risk as claimed in the instant application. Lawrence discloses identifying, monitoring and evaluating financial transactions for suspicious activities and risks (see Lawrence '428

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column 4 lines 28-63, figure 3 and related text). Therefore the argument that Lawrence '428 is allegedly non-analogous to the instant application is unpersuasive.

10. Lawrence discloses that "Risk associated with maintaining an investment account can include factors associated with financial risk, legal risk, regulatory risk and reputational risk. Financial risk includes factors indicative of monetary costs that the financial institution may be exposed to as a result of opening a particular account and/or transacting business with a particular client. Monetary costs can be related to fines, forfeitures, cost to defend an adverse position, or other related potential sources of expense. Regulatory risk includes factors that may cause the financial institution to be in violation of rules put forth by a regulatory agency such as the Securities and Exchange Commission (SEC) (column 1, lines 14-27) It is obvious that a regulatory body or government entity provides guidelines to prevent losses due to risk both to the financial institution and the financial system. The financial institution then incorporates those guidelines or rules to assess the risk posed by transactions or persons carrying out those transactions (such as but not limiting to, if the Government has a list of people barred from making transactions with U.S. financial institutions, then the guidelines provided by the government will provide the U.S. financial institutions with guidance to check the source and nature of the funds (see column 1, lines 44-64) Further the guidelines are broken down into criteria that the institution may deem appropriate to accurately verify the legitimacy of the transaction stakeholders and those criteria are applied consistently across the individual institution to comply with the regulations and filter out potential violations based on the even application of the criteria across the board (Lawrence column 3, lines 59-67; column 4, lines 32-43). Therefore the applicant's argument that Lawrence does not disclose creation of a policy that is applied uniformly across a particular institution is unpersuasive. Further it is contended that Davies does not teach a policy builder module that enables the authorized users to select particular countermeasures in order to create a policy for the branch of the financial institution. The examiner disagrees. Lawrence teaches an embodiment where the countermeasure can be selected. Lawrence teaches either the action can include refusing to open an account or perform

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a transaction or notify the police. Therefore upon the discovery of a politically exposed person (and the associated risk) the countermeasure to be deployed can be selected as per the discretion of the operator (see at least Lawrence column 2, lines 38-42; and column 3, lines 3-12). Therefore the applicant's argument is unpersuasive.

Claim Rejections - 35 USC § 112

11. Claim 1 is rejected under 35 U.S.C. § 112, first paragraph, as being of undue breadth.
12. A "single means" claim, i.e. where a means recitation does not appear in combination with another recited element or means, is subject to an undue breadth rejection under 35 U.S.C. 112, first paragraph. See *In re Hyatt*, 218 USPQ 195, (CAFC 1983) and MPEP 2164.08(a).

2164.08(a) Single Means Claim

A single means claim, i.e., where a means recitation does not appear in combination with another recited element of means, is subject to an undue breadth rejection under 35 U.S.C. 112, first paragraph. In *re Hyatt*, 708 F.2d 712, 218 USPQ 195 (Fed. Cir. 1983) (A single means claim which covered every conceivable means for achieving the stated purpose was held nonenabling for the scope of the claim because the specification disclosed at most only those means known to the inventor). When claims depend on a recited property, a fact situation comparable to *Hyatt* is possible, where the claim covers every conceivable structure (means) for achieving the stated property (result) while the specification discloses at most only those known to the inventor.

13. In claim 1, the system comprises a computer data memory; the memory consists of various modules. However, the memory is the only structural component in the claim and there is no recitation of a processor (if any) of the computing system that executes the modules. Further the examiner suggests amending the word "operable" to "configured" in the preamble of claim 1. The dependent claims are rejected based on their dependency to the rejected independent claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. **Claims 1-23** rejected under 35 U.S.C. 103(a) as being unpatentable over Lawrence United States Patent No. 7,181,428 in view of Lawrence United States Patent Application Publication No.: 2003/0177087 (herein after Lawrence '087) and Bosworth-Davies et al (herein after Davies) US PG-PUB No.: 2003/0033228.

15. **As per claim 1**, Lawrence discloses the following limitations:

- a risk assessor module stored on the computer data memory, wherein when executed by the computing system the risk assessor module configures the computing system to provide to an authorized user of the anti-money-laundering system, guidelines in identifying risk dimensions associated with potential money laundering transactions processed by the branch of the financial institution (see Lawrence column 3, lines 13-22 and 56-67; column 4, lines 47-50; column 5, lines 16-30).
- a policy builder module stored on the computer data memory, wherein when executed by the computing system, the policy builder module configures the computing system to recommend possible electronic and manual countermeasures to the risks identified by the risk assessor module and to enable the authorized user to select the countermeasures of his choice in order to create a policy for the branch of the financial institution; (see at least Lawrence column 2, lines 38-42; and column 3, lines 3-12).

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- an account opening due diligence module stored on the computer data memory, wherein when executed by the computing system, the account opening due diligence module configures the computing system to provide detailed recommendations to the authorized user as to whether to allow an application for an account at the branch of the financial institution and to apply consistent implementation of the policy throughout the branch of the financial institution; (see at least Lawrence column 2, lines 18-22; 38-40; and lines 53-62; column 4, lines 44-55; column 5, lines 22-30).

Lawrence does not specifically disclose the following limitation. Lawrence '087, however, teaches the limitations as follows:

- a transaction activity monitor module stored on the computer data memory, wherein when executed by the computing system the risk assessor module configures the computing system to receive and monitor transaction information stored on a plurality of databases communicatively connected to the computing system, the transaction information including transaction information received by the account opening due diligence module, (see at least Lawrence '087 paragraphs 0022-0024, 0028, 0040-0042, 0047, 0065, 0068-71).
- the executing transaction activity monitor module further configuring the computing system to identify risk dimensions associated with potential money laundering transactions processed by the branch of the financial institution, to assign numerical designations for the risk dimensions identified for the branch of a financial institution, and to identify suspicious patterns among the transactions at the branch of a financial institution in order to provide a suspicious transaction activity report relating to a potential money laundering transaction that includes a scenario explaining the potential money laundering transaction based on the suspicious patterns; and (see at least Lawrence '087 paragraphs 28, 30, 40-42, 46-47, 65-66, **68-71**, Figures 3 and 4 and related text).

- identifying suspicious patterns among the transactions includes determining whether a financial transaction to be conducted has a risk related dimension (see at least Lawrence '087 paragraphs 0008-0010, 0028, 0038, 0055-56, 0066-69, 0078).
- determining whether the numerical designation of at least a selected one of the identified risk dimensions for the financial transaction to be conducted exceeds a predetermined level when the financial transaction to be conducted does have a risk-related dimension; and (see at least Lawrence '087 paragraphs 6, 8-10, 33, 35, 0055-56, 0065-0069, 0071, 0078).
- performing a special risk assessment procedure if the numerical designation of at least a selected one of the identified risk dimensions exceeds a predetermined level (see at least Lawrence '087 paragraphs 0008-0009, 0055-56, 0065-67, 0097 and figure 7C).

Lawrence does not explicitly disclose the following limitation. Davies however teaches the limitations as follows:

- a case management and reporting module stored on the computer data memory, wherein when executed by the computing system, the risk assessor module configures the computing system configured to track and identify the detailed recommendations resulting from the execution of the account opening due diligence module in order to provide continuous feedback to the authorized user about the effectiveness of the system; wherein identifying suspicious patterns among the transactions includes determining whether a financial transaction to be conducted has a risk-related dimension; (see Davies paragraphs 6, 11, 33-35, 41, 46-47, 73, 80-82)
- determining whether the numerical designation of at least a selected one of the identified risk dimensions for the financial transaction to be conducted exceeds a predetermined level when the financial transaction to be conducted does have a risk-related dimension; and performing a special risk assessment procedure if the numerical designation of at

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least a selected one of the identified risk dimensions exceeds a predetermined level (see Davies paragraphs 11, 34-35, 41, 46-48, 50, 76, 80-81, 85).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system of Lawrence with Lawrence '087 to monitor transactions and high risk transactions to prevent money laundering and associated liabilities (see at least Lawrence '428 column 3, lines 18-22; column 4, lines 44-55; column 5, lines 22-30; column 6, lines 35-40; column 8, lines 44-48; Lawrence '087 paragraphs 0006, 0008-009). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system and method of Lawrence to specifically include surveillance and countermeasure management reports. One would be motivated to do so to detect the basis of the transaction, assess its legitimacy and conduct a comprehensive analysis with all the facts presented in manner that leaves an audit trail for full compliance with any existing regulations (see Davies paragraphs 4-5, 11, 34 and 45-47).

16. **As per claim 2**, Lawrence teaches the following limitation:

- a staff training and policy management module for using the selected countermeasures to develop customized training programs and to track compliance of users of the anti-money-laundering system (see at least Lawrence column 3, lines 65-67; column 4, lines 47-55).

17. **As per claim 3**, Lawrence teaches the following limitation:

- the risk assessor module comprise geographic location risk, types of customers served, and types of services offered by the financial institution (see at least Lawrence column 1, lines 56-60; column 4, lines 56-67; column 5, lines 34-36 and column 8, lines 16-24).

18. **As per claim 4**, Lawrence discloses the limitation as follows:

- the policy builder module provides detailed support for the decision process in creating the policy (see at least Lawrence column 6, lines 33-40; column 7, lines 1-9).

19. **As per claim 5**, Lawrence discloses following limitation:

- the authorized user can override for the branch of the financial institution, the detailed recommendations provided by the account opening due diligence module (see at least Lawrence column 5, lines 42-50).

20. **As per claim 6**, Lawrence teaches the following limitation:

- the transaction information received and monitored by the transaction activity monitor further comprise historical data (see at least Lawrence column 5, lines 66-67; column 6, line 1).

21. **As per claim 7**, Lawrence teaches the following limitation:

- the transaction information received and monitored by the transaction activity monitor further comprises input from employees of the branch of the financial institution (see at least Lawrence column 3, line 65; column 4, lines 5-18).

22. **As per claim 8**, Lawrence teaches the following limitation:

- the case management and reporting module tracks and identifies the detailed recommendations of the account opening due diligence module that are overridden by the authorized user, and updates the account opening due diligence module based on the override (see at least Lawrence column 3, lines 3-5, lines 18-22; column 5, line 42-50).

23. **As per claim 9**, Lawrence teaches the following limitation:

- the risks identified by the risk assessor module are used to determine the level of review applied against a selected operation or transaction (see at least Lawrence column 3, lines 23-27; column 4, line 19-31, lines 47-50).

24. **As per claim 10**, Lawrence teaches the following limitation:

- the level of review is selected from the group consisting of standard review or special review (see at least Lawrence column 8, lines 39-41).

25. **As per claim 11**, Lawrence teaches the following limitation:

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- the system is communicatively coupled to an electronic network including a plurality of databases, and wherein the transaction activity monitor component gathers information stored on the plurality of databases in order to monitor the suspicious transactions, and processes the information to output the risk assessment guidelines and an explanation of the risk assessment guidelines (see at least Lawrence column 8, lines 7-15).

26. **As per claim 12**, Lawrence discloses the following limitation:

- receiving information relating to potential money laundering transactions processed by the branch from a plurality of databases via an electronic network coupling of the computing system (see at least Lawrence column 2, lines 53-62, 66; column 6, lines 24-40).
- retrieving risk-related data associated with the branch from a knowledge data memory; processing, by the computing system, the received information and the risk-related data to identify risk dimensions associated with the potential money laundering transactions (see at least Lawrence column 6, lines 24-40; column 7, lines 1-10; 46-66; column 8, lines 42-48).
- assigning numerical designations for the risk dimensions identified for the branch of a financial institution (see at least Lawrence column 5, lines 15-21; column 6, lines 33-40).
- providing to an authorized user recommended guidelines for handling the financial transaction to be conducted, based on the special risk assessment procedure (see at least Lawrence column 9, lines 15-32).
- determining whether the numerical designation of at least a selected one of the identified risk dimensions for the financial transaction to be conducted exceeds a predetermined level, if the financial transaction to be conducted does have a risk-related dimension (see at least Lawrence column 5, lines 22-30; column 8, lines 44-48).

Lawrence does not specifically disclose the following limitations Lawrence '087, however teaches, the following limitations:

- identifying a type of financial transaction to be conducted at the branch of a financial institution (see at least Lawrence '087 paragraphs 008-0010, 0022-0024).
- determining whether a financial transaction to be conducted has a risk-related dimension (see at least Lawrence '087 paragraphs 0040-0042, 0047, 0065).
- performing a special risk assessment procedure when the numerical designation of at least a selected one of the identified risk dimensions exceeds a predetermined level (see at least Lawrence '087 paragraphs 0040-0042, 0047, 0065)

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system of Lawrence with Lawrence '087 to monitor transactions and high risk transactions to prevent money laundering and associated liabilities (see at least Lawrence column 5, lines 22-30; column 6, lines 35-40; column 8, lines 44-48; Lawrence '087 paragraphs 0006, 0008).

27. As per claim 13, Lawrence teaches the following limitation:

- performing a standard risk assessment procedure if the numerical designation of none of the identified risk dimensions exceeds a predetermined level (see at least Lawrence column 9, lines 20-23).

28. As per claim 14, Lawrence teaches the following limitation:

- a first risk dimension representing a risk due to a location of the branch of the financial institution (see at least Lawrence column 8, lines: 18-24; 44-45; 59-61).
- a second risk dimension representing the risks due to selected services offered by the branch of a financial institution (see at least Lawrence column 8, lines 44-45; lines 64-67; column 9, and lines 1-14).
- a third risk dimension representing the risks due to an identified nature of the customers served by the branch of the financial institution (see at least Lawrence column 8, lines 44-45, 53-58).

- a fourth risk dimension representing the risks due to a particular jurisdiction served by branch of a financial institution (see at least Lawrence column 5, lines 53-56; column 7, lines 54-67).

29. **As per claim 15**, Lawrence teaches the following limitation:

- the risk dimensions are based on local laws, regulations, historical data, and other information that is specific to the branch of the financial institution (see at least Lawrence column 4, lines 32-36).

30. **As per claim 16**, Lawrence discloses the following limitation:

- each of the selected services has associated accounts, each of the associated accounts having a risk rating and risk exposure rating, and wherein each risk dimension is based on a risk rating and a risk exposure rating of all associated accounts of all of the selected services (see at least Lawrence column 2, lines 34-42; column 5, lines 38-42; column 6, lines 35-40).

31. **As per claim 17**, Lawrence teaches the following limitation:

- the second and the third risk dimensions are based on data collected from the selected services (see at least Lawrence column 4, lines 5-18; column 7, lines 54-67; column 8, lines 1-15).

32. **As per claim 18**, Lawrence discloses the following limitation:

- performing a standard risk assessment procedure if it is determined that the financial transaction to be conducted does not have a risk-related dimension, wherein the standard risk assessment is based on the average of the numerical designation for all of the risks (see at least Lawrence column 6, lines 35-38; column 9, lines 59-62).

33. **As per claim 19**, Lawrence teaches the following limitation:

- the type of financial transaction to be conducted at the branch of a financial institution comprises opening an account, and wherein the risk dimension for the account opening is based on the risk due to the identified nature of the customers served by the branch of the financial institution (see at least Lawrence column 5, lines 36-42).

34. **As per claim 20**, Lawrence teaches the following limitation:

- wherein the nature of the customers served by the branch of the financial institution includes high-risk clientele, and wherein the special risk assessment procedure is performed for the account opening (see at least Lawrence column 1, lines 11-13, lines 30-43; column 2, lines 53-55).

35. **As per claim 21**, Lawrence teaches the following limitation:

- when it is determined to perform a special risk assessment procedure for a financial transaction, the special risk assessment procedure is performed semi-annually, and wherein when it is determined to perform a standard risk assessment procedure for a financial transaction, the standard risk assessment procedure is performed annually (see at least Lawrence column 3, lines 65-67; column 6, lines 14-18).

36. **As per claim 22**, Lawrence teaches the following limitation:

- overriding by an authorized user the recommended guidelines for handling the financial transaction to be conducted (see at least Lawrence column 5, lines 42-50).

37. **As per claim 23**, Lawrence teaches the following limitation:

- the authorized user provides alternative guidelines after the step of overriding the recommended guidelines for handling the financial transaction to be conducted (see at least Lawrence column 5, lines 51-56; column 6, lines 20-23).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed,

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and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abhishek Vyas whose telephone number is 571-270-1836. The examiner can normally be reached on 7:30am-5:00pm EST Mon-Thur, ALT Friday OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. V. /
Examiner, Art Unit 3691

/Alexander Kalinowski/

Supervisory Patent Examiner, Art Unit 3691